IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 744 of 2005

Between:

1 Jammi Srinivasa Rao, S/o. Rama Naidu,
R/o. Akkayapalem, Vishakapatnam.
2 Kundi Suri Babu, S/o. Kondaiah,
R/o. Nandagiri Nagar, Akkayapalem, Vishakapatnam.
3 V.V. Thrinada Reddy, S/o. Paidi Raju Reddy,
R/o. Near Santoshi Matha Temple, Thadichatla Palem,

Vishakapatnam.
4 V. Srinivasa Reddy, S/o. Paidi Raju Reddy,
R/o. Near Santoshi Matha Temple, Thadichatla Palem,

Vishakapatnam.

..... PETITIONERS

AND

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Visakhapatnam Rural Mandal,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in seeking to evict the petitioners from the lands covered by Survey No. 7 situated in Kommadi Village and Survey No. 1, situated in Paradesi Palem to an extent of 1.00 Acre each (total 4.00

Acres) of Vishakapatnam Rural Mandal, Visakhapatnam District without following due process of Law as illegal and violative of principles of natural justice and consequently direct the Respondents to consider our representation dated 31-07-2003 submitted by us and regularise the petitioners possession over the lands on payment of market value.

Counsel for the Petitioner : Mr.J.VENKATESWARA REDDY

Counsel for Respondents : G.P. FOR REVENUE

The Court made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

Assailing the action of the respondents in seeking to evict the petitioners from the lands covered by Survey No. 7 situated at Kommadi village and Survey No.1 total admeasuring Ac.4-00 situated at Pardesipalem, Visakhapatnam Rural Mandal, Visakhapatnam district without following due process of law, the present writ petition is filed.

The petitioners claim to be in possession of land in question since long time by cultivating the same. It is stated that the petitioners made a representations to the respondents dated 31.7.2003 requesting to regularize their possession by assigning the land in their favour on payment of market value and pending consideration of the said representations, the respondents are trying to evict the petitioners without following due process of law. Hence the writ petition.

The learned Government Pleader appearing for respondents, on instructions, would submit that by proceedings dated 11.1.2005, the first respondent had rejected the proposal for regularization of encroachments on the ground that the land falls under the Urban Agglomeration.

In view of the above, no orders need be passed in the present writ petition and the same is accordingly dismissed. No costs.

However, petitioners are at liberty to challenge the said rejection orders passed by the first respondent in appropriate proceedings.

N.V.RAMANA, J

Date: 25.1.2005

DA/KSR

To

1 The District Collector, Visakhapatnam District, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.
3 The Mandal Revenue Officer, Visakhapatnam Rural Mandal, Visakhapatnam.

4 Two CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two CD copies.